

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Aurelio JIMENEZ-Laveaga,

Defendant.

Mag. Case No.

'08 MJ 8362

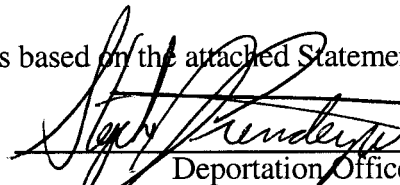
COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326  
Deported Alien Found In the  
United States

The undersigned complainant being duly sworn states:

On or about October 12, 2006, within the Southern District of California, defendant Aurelio JIMENEZ-Laveaga, an alien, who previously had been excluded, deported and removed from the United States to Mexico was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4), and (557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached Statement of Facts, which is incorporated herein by reference.

  
Deportation Officer  
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 30<sup>th</sup> DAY OF  
APRIL 2008.

  
PETER C. LEWIS  
U. S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Aurelio JIMENEZ-Laveaga

4 STATEMENT OF FACTS

5 The complainant states that this complaint is based upon the statements of the  
6 apprehending Immigration Enforcement Agent Martin Mendez.

7 On October 12, 2006, the defendant, identified as Aurelio JIMENEZ-Laveaga, was  
8 arrested in San Diego, California, by Officer M. Perez, of the San Diego Police Department, for  
9 driving under the influence in violation of Vehicle Code 23153. Immigration Enforcement  
10 Agent Mendez subsequently encountered the defendant in custody at the Calipatria, California,  
11 State Prison and placed an immigration detainer on Form I-247.

12 On April 29, 2008, at approximately 9:50 a.m., the defendant was referred to the custody  
13 of United States Immigration and Customs Enforcement in Imperial, California.

14 Record checks of JIMENEZ revealed he was previously ordered deported on January 29,  
15 2004, by an Immigration Judge. On February 11, 2004, JIMENEZ was removed to Mexico via  
16 the Calexico Port of Entry. Further record checks revealed JIMENEZ has a criminal record.

17 There is no evidence JIMENEZ ever sought nor received permission from the Attorney  
18 General of the United States or his designated successor, the Secretary of the Department of  
19 Homeland Security, to re-enter the United States.

20 Based upon the foregoing information, there is probable cause to believe that Aurelio  
21 JIMENEZ-Laveaga has illegally re-entered the United States after Deportation, in violation of  
22 Title 8, United States Code, Section 1326, Deported Alien Found in the United States.  
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